UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/161
12 March 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 17 of the provisional agenda

# PROMOTION AND PROTECTION OF HUMAN RIGHTS

Joint written statement*/ submitted by the International Federation of Human Rights Leagues and the World Organization against Torture, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 - 8 6 2 *

ENG

**A. The appointment of the Special Representative on Human Rights Defenders**

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT) wishes to express its satisfaction with the creation of a new special procedure on human rights defenders (HRDs), by the 56th session of the Human Rights Commission.

The developments leading to the appointment of the Special Representative on HRDs have been numerous and go back to several years, from the preparation of the Declaration on HRDs adopted by the General Assembly of the United Nations on December 9, 1998, to the adoption of the resolution 2000/61 by the Commission on Human Rights requesting " the Secretary General to appoint, for a period of three years, a Special Representative who shall report on the situation of HRDs in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration ".

In this context, the magnitude of human rights NGOs' campaigns in favour of the creation of this mechanism has to be emphasised. Their mobilisation has been proportional to the repression suffered by HRDs and consequently great hopes have been sparked, which, now, cannot be deceived.

The Observatory considers that as the Special Representative is now the focal point throughout the United Nations for support to HRDs and the co-ordinator of all related mechanisms and programmes, she should benefit from strong staff support. Unfortunately, the mandate is currently understaffed. Ways and means to reinforce the Special Representative's support, including the possibility of voluntary contributions, should be explored as soon as possible. Contacts with some governments who voted in favour of the resolution which created the mandate, including from the South could be reactivated with this aim.

In the light of all the information received on a daily basis over the past years, the Observatory is in a position to affirm the importance of the effectiveness of the newly created mechanism. As the repression of the action of HRDs and the violations of their rights have not diminished in quality or sophistication since the adoption, in December 9, 1998 of the Declaration on HRDs, the new special representative of the Secretary General on HRDs will have an enormous task to accomplish.

**B. Typology of violations of the rights of HRDs**

The violations of the rights of HRDs touch on all types of rights, and cover a large panel of repressive methods.

We tried, within the Observatory, to develop such a typology in function of violations perpetrated against HRDs, on the basis of a distinction between individual and collective violations :

**1. Violations of the individual rights of HRD**

**a. Extra-judicial violations**

- **Violation of the right to life** (art.3/Universal Declaration of Human Rights-UDHR), (art. 1 of the Declaration on HRDs-DHRD) : summary executions, murders, enforced disappearances, assassination attempts, death threats - **Violation of the right to physical or psychological integrity** (art.5/UDHR), (art.1/DHRD) : Torture/ill treatment, threats - Extra-judicial arrest, detention (art.9/UDHR), (art.1/DHRD) - **Violation of privacy** (art.12/UDHR), (art.1/DHRD) : Harassment, smear campaigns, close surveillance, shadowing, phone taping, illegal searches,

confiscation of mail. - **Restriction of freedom of expression** (art.19/UDHR), (art.1, 6.b and 6.c/DHRD) : confiscation of reports on human rights violations, censorship, pressures - **Restriction of freedom of circulation** (art.3/UDHR), (art.1/DHRD) : withdrawal of passports, interdiction to leave the country or to circulate inside the country - **Violation of the right to work** (art.23/UDHR) (art.1 and 11 /DHRD) : dismissal from work, obstacles in finding a new job.

**b. Violations within judicial proceedings**

- **Arrest/ detention** : (art.9/ UDHR), (art.1/DHRD) - **Violation of the right to a fair trial** (art.10/UDHR), (art.1/DHRD) : Prison, fine - Judicial persecution: (art.1/DHRD) - **Restriction of freedom of expression** : (art.19/UDHR), (art.1/DHRD, art.6b) - **Restriction of freedom of circulation** : (art.3/UDHR), (art.1/DHRD) - **Violation of the right to work** : (art.23/ UDHR), (art.1, 11/DHRD) - **Instrumentalisation of the legislation as a tool against an HRD** (art. 3 /DHRD) : use of a non-conform legislation with international standards ; misuse of " national security law "

**2. Violations of the rights of groups with a human rights activity**

- **Violation of the right to form, join and participate in HR-NGOs** (art. 5.b / DHRD): Difficulty to register/ de-registration, Closure of an NGO - **Violation of the right to meet or assemble peacefully** : (art.5.a/DHRD) - **Violation of the right to communicate with NGOs and IGOs** (art.5.a, 9.4 /DHRD) - **Violation of the right to provide judicial support** (art.9.3.c /DHRD) - **Violation of the right to attend public hearings and trials** (art.9.4/DHRD) - **Violation of the right to receive funding** (art.13 /DHRD) - **Violation of the right to seek, hold and disseminate information** (art.6.a/DHRD) : NGO attack, material confiscation - **Violation of the right to study, discuss, form and hold opinion on the observance of all human rights and to draw public attention on those matters** (art. 6.c/DHRD) - **Instrumentalisation of the legislation as a tool against an HRD** (art. 3 /DHRD) : use of a non- conform legislation with international standards ; misuse of " national security law "

One conclusion to be drawn is that some widespread types of violations, i.e. violations of freedom of association (with the exception of trade-union freedoms), freedoms of movement and communication, are not covered by existing international mechanisms. These violations could be dealt with as a matter of priority by the Special Representative.

**C. Regional approach**

These violations touch upon all the countries of the world. However, trends have emerged regarding the types of repression on the regional level. In order to better identify them, the Special Representative might be interested in focusing on this approach in its future reports.

As an example and according to information received by the Observatory, the following characteristics have emerged :

In South America, HRDs are in a situation of risk, which endangers their physical and psychological integrity. In Colombia, since 1990, human rights defenders have been the victims of summary executions, forced disappearances, sequestration, death threats, assassination attempts, arbitrary detention and violations of the rights to a fair trial. In Guatemala, several human rights defenders were assassinated during year 2000, some others were subjected to grave acts of harassment and threats. In Brasil, defenders of landless peasants are the main victims of threats or arbitrary judicial procedures.

In other States, the attempt to stop human rights work resorts to more sophisticated methods. In Tunisia, HRDs are the victims of continuous harassment: systematic police surveillance, telephone tapping, withdrawal of or failure to issue passports, legal actions against them, smear campaigns are used by the authorities to impede their human rights activities. The activities of the Tunisan League for Human Rights were suspended in November 2000 and the National Council of Liberties in Tunisia has still not been registered. New laws on association can also be used as a tool against HRDs, as it is the case for instance in Egypt, where a new law project, very restrictive in matter of freedom of association, is being prepared.

In Iran, HRDs are targeted by the conservative branch. Those carrying out investigations for political murders are persecuted, and so are the lawyers of the families of the victims. Chirin Ebadi, lawyer and Pesident of a child rights association was arrested and then sentenced 15 months of prison and 5 years of suspension of her civil rights, including practising as a lawyer. For having participated in a conference in Berlin on the Iranian elections, in April 2000, a number of HRD's, including Akbar Gandji, investigation journalist, were condemned to severe sentences of imprisonment.

In the Democratic Republic of Congo, HRD's are often considered as enemies or spies, and continue to be the target of the authorities of the RDC and those in charge of the Congolese Rally for Democracy : arbitrary arrests, defamation campaigns, threats. The organisations must confront a new danger. Indeed, their structures are being infiltrated by persons linked to the authorities who seek to take control of these structures. The defenders find themselves in high risk situations daily : Dismas Kitenge of Groupe Lotus (Kisangani) is the object of constant pressure ; ASADHO is the object of a campaign of denigration and its offices are sealed ; Jeanine Mukanirwa Tshipambu, vice-President of the PAIF (North Kivu), arrested on 12 December 2000 in Kinshasa, released and arrested again on 26 January, is still in detention ; on 5 February, Golden Misabiko, President of Asadho-Katanga was arrested and is reportedly still in detention.

In Europe, the situations in Turkey or in Kyrgyzstan are very illustrative of the instrumentalization of justice in the repression of HRDs. In Turkey, many judicial cases have been opened against HRDs, who express themselves in favor of the rights of minorities or of a peaceful solution to the conflict in the South-East region. In Kyrgyzstan, the members of the Kyrgyz Committee for Human Rights and others are harassed and prosecuted for denouncing human rights violations, in particular during elections periods.

In Asia, trade unionists remain a preferred target, for example in South Korea. The defenders who work in conflict zones, such as Aceh in Indonesia, live under constant threat (extra judicial killings, aggression, torture). The diffusion of information regarding human rights violations are also high risk activities in Asia. In November, T. Puroshottam, Joint Secretary of the Civil Liberties Committee (India) was assassinated by a group of non-identified persons. He had apparently persistently received threatening phone calls because he had been involved in numerous investigations into alleged human rights violations by police officers (including torture and extra-judicial killings).

The Observatory is, therefore, committed to support the work of the Special representative on HRDs as it strongly believes that the effective functioning of her mandate and the thorough study of the different types and regional trends of the violations of the rights of HRD will draw international attention to the issue and will reinforce the respect of the DHRD in all countries of the world.

---